

# **Shetland Islands Council**

## **Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland**

### **POST-ADOPTION SEA STATEMENT**

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**POST-ADOPTION SEA STATEMENT – COVER NOTE**

**PART 1**

**To:** [SEA.gateway@scotland.gsi.gov.uk](mailto:SEA.gateway@scotland.gsi.gov.uk)

or

SEA Gateway  
Scottish Executive  
Area 1 H (Bridge)  
Victoria Quay  
Edinburgh EH6 6QQ

**PART 2**

**A post-adoption SEA statement is attached for the PPS entitled:**

Interim Planning Policy; TOWARDS SUSTAINABLE CONSTRUCTION AND BETTER  
DESIGN IN SHETLAND

**The Responsible Authority is:**

Shetland Islands Council

**PART 3**

**Contact name**

Bessie Barron

**Job Title**

Planning Officer (Development Plans)

**Contact address**

Planning  
Infrastructure Services Department  
Grantfield  
Lerwick  
ZE1 0NT

**Contact tel no**

01595 744837

**Contact email**

Bessie.barron@shetland.gov.uk

**Signature & date**

Bessie Barron 24 May 2010

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## POST - ADOPTION SEA STATEMENT

### Post-adoption SEA statement for:

Interim Planning Policy ; TOWARDS SUSTAINABLE CONSTRUCTION AND BETTER DESIGN IN SHETLAND

### Adopted on:

9<sup>th</sup> December 2009

### Responsible Authority:

Shetland Islands Council

## POST-ADOPTION SEA STATEMENT INTRODUCTION

This document (referred to here as the post-adoption SEA statement) has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

## POST-ADOPTION SEA STATEMENT AVAILABILITY OF DOCUMENTS

### WEBSITE

The full PPS as adopted, along with the Environmental Report and post-adoption SEA Statement are available on the Responsible Authority's website at:

<http://www.shetland.gov.uk/developmentplans/documents/IPPTowardsSustainableConstructionDec2009-finaldocument.pdf>

### OFFICE ADDRESS

The PPS, as adopted, along with the Environmental Report and post-adoption SEA Statement may also be inspected free of charge (or a copy obtained for a reasonable charge) at the principal office of the Responsible Authority:

### Contact name, address and telephone number

Planning, Infrastructure Services Department, Grantfield, Lerwick ZE1 0NT

### Times at which the documents may be inspected or a copy obtained:

Office opening hours Monday to Friday 9a.m. – 5p.m.

**POST-ADOPTION SEA STATEMENT  
KEY FACTS**

<b>Name of Responsible Authority</b>	Shetland Islands Council
<b>Title of PPS</b>	Interim Planning Policy :Towards Sustainable Construction and Better Design in Shetland
<b>Purpose of PPS</b>	To provide location, design and amenity guidance and policy for housing and Other Development within Shetland
<b>What prompted the PPS</b> (e.g. a legislative, regulatory or administrative provision)	Change in legislation since adoption of Statutory Development Plan
<b>Subject (e.g. transport)</b>	Sustainable Construction and Better Design
<b>Period covered</b>	2008 - 2013
<b>Frequency of updates</b>	Every 5 years
<b>Area of PPS</b> (e.g. geographical area)	Shetland
<b>Summary of nature/content of PPS</b>	Planning policy
<b>Date adopted</b>	09/12/2009
<b>Contact name &amp; job title</b> <b>Address, email, telephone number</b>	Bessie Barron Planning Officer (Development Plans) Planning Infrastructure Services Grantfield Lerwick ZE1 0NT
<b>Date</b>	24 May 2010

**POST-ADOPTION SEA STATEMENT  
STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS**

*Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland* has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and the Scottish Ministers (Historic Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report
- Preparing an Environmental Report on the likely significant effects on the environment of the draft PPS which included consideration of:
  - the baseline data relating to the current state of the environment;
  - links between the PPS and other relevant strategies, policies, plans, programmes and environmental protection objectives;
  - existing environmental problems affecting the PPS;
  - the plan's likely significant effects on the environment (positive and negative);
  - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
  - an outline of the reasons for selecting the alternatives chosen;
  - monitoring measures to ensue that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken.
- Consulting on the Environmental Report
- Taking into account the Environmental Report and the results of consultation in making final decisions regarding the PPS
- Committing to monitoring the significant environmental effects of the implementation of the PPS. This will also identify any unforeseen adverse significant environmental effects and to enable taking appropriate remedial action.

The Interim Planning Policy (IPP): is *Towards Sustainable Construction and Better Design in Shetland* a policy review, rather than an examination of ideas and options to be assessed. The following table gives a summary of the comments received to the consultation and the action taken. The Appendix to this Post Adoption Statement is a copy of the Draft IPP showing the changes that were made in response to comments received from the Consultation Authorities and other respondents to the consultation.

**POST ADOPTION SEA STATEMENT**  
**HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO the Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland AND HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT**

**TABLE 1 Appendix to the Report to Shetland Islands Council Planning Board May 2009 Giving Comments Received And Action Taken**

Organisation	Date	Comment	Officer Response	Officer Action
Historic Scotland	18 <sup>th</sup> of August 2009	We can confirm that we are content with the level of protection provided for the historic environment through the strategic policy LDP5 and the various detailed policies. On a point of detail, scheduled monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979, not the Planning (Listed Buildings and Conservation Areas) Act 1997, as implied in the justification for policy LDP5. We have no further comments to offer on the documents	Important to refer to the appropriate legislation	Ancient Monuments and Archaeological Areas act 1979 added to the justification
Scottish Natural Heritage	13 <sup>th</sup> May 2009	Welcomes the policy document and the positive contribution it will make. Supports the added protection to strengthening and enhance biodiversity suggested in the Environmental Report. However for clarity they recommend that, if adopted, the clause added to policies SPG9 and SPG10 is re-worded as suggested because the wording proposed in the Environmental Report could be read as applying only when a development would adversely affect all three features.	Ruling out ambiguity or opportunities for misinterpretation are encouraged	The suggested alteration to SPG9 and SPG10 have been made
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	<b>1. Good Use of Objectives (page 15)</b> Development should be designed to integrate with all environmental characteristics of the site. Recommend that the first paragraph objective be revised to:  “Development should be designed to integrate with, protect and enhance <i>the natural features of the site</i> ,” or similar.		Agreed and to be amended
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	<b>2. Section 3.4:</b> You may wish to make specific reference to PAN 84 Masterplanning.		Agreed and to be amended



		3. Section 3.5 and 3.6- Undertaking a Site Appraisal.	No response necessary	
		3.1 Similar to the point made in 1.1 above.		
		4. Section 3.24:  4. As a minor point please note there are currently two sections 2.24; and these comments relate to the second.  4.1 Ensuring that appropriate information is submitted to allow the planning authority in consultation with others, to determine an application is very important. In relation to SEPA's interest it is imperative that clear, but not necessarily lengthy, information is provided on surface water drainage and foul drainage.	Well spotted thanks  noted	Alter numbering
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	4.3 To ensure that the drawings requested in this section show the information required to assess drainage adequately we suggest that this requirement be revised to cover roads and drainage separately and that the drainage requirements be reworded to, <i>"Surface Water and Foul Water Drainage Plan."</i>	Point accepted	Noted request added to policy
		4.4 In addition to a drainage plan we request that a drainage statement also be provided.	accepted	Agreed and to be amended
		<b>5. Policy LDP 1:</b> This should consider the provision of satisfactory foul drainage provision. We therefore recommend that an additional bullet point be added, <i>"foul drainage"</i> .	accepted	Noted and to be amended
		7. Policy LDP 7- Development below the 5 meter contour  7.1. We are very supportive of a policy to protect people and places from flood risk and add to what is already required by Local Plan Policy LPWD 10. However, we consider that a number of amendments are required to ensure that it implements the principles of national planning policy.	This will be the subject of ongoing discussion	Contact SEPA to discuss
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	7.2. Coastal Flooding  7.2.2. While the 5-meter contour may be relevant criterion on which to base a site-specific flood risk assessment we suggest that it is the results of that site-specific flood risk assessment, which should be used to determine whether the development is acceptable on flood risk grounds. In line with the avoidance	As above	Agreed and to be amended

		principle of Scottish Planning Policy 7 we there request that the second paragraph of the policy be revised to “Proposals to build in the medium to high risk flood area will not be approved unless they meet the exemptions outlines in national planning policy”.		
		<p><b>7.3. Climate Change</b></p> <p>7.3.3. If the planning authority wishes to ensure that new development is protected from predicted flood risk under current climate change scenarios then it is necessary to ensure that the SPG states that the site-specific flood risk assessment must include an allowance for climate change.</p> <p>7.3.4. In addition if climate change is to be considered than the flood avoidance aspect of the Policy should be amended from what we have suggested in section 7.2.2 above to “Proposals to build in the medium to high risk flood area, including an allowance for climate change, will not be approved unless they meet the exception outlines in national planning policy”.</p>	<p>Similar comment was made in section 7.2.2.</p> <p>Comment accepted</p>	<p>Allowance for climate change to be added to the policy</p> <p>Include Suggestion in policy</p>
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	<p><b>7.4. Flood Risk form other sources</b></p> <p>7.4.1. While it is agreed that coastal flood risk is the bigger issue in Shetland there is also the requirement to consider providing further policy on the risk of other types of flooding. Areas in Gott, Girlsta, Stenswall and Graven, for example, are shown on by the Indicative River and Coastal Flood Map (Scotland) to be at risk. In addition, the Indicative Maps only consider watercourses, which are often “flashy” in nature are not included, yet risks of flooding from them do not exist. Also Shetland Islands Council’s own Biennial Reports highlight other areas where flooding incidents have been reported. We therefore recommend that the policy be expanded to cover fluvial flooding. A suitable title might be, “All Development: Development <i>potentially at risk from flooding</i>”.</p>	Change Title	Suggestion to be Incorporated
		7.4.2. Local Plan policy LP WD10 already states that applicants will need to provide a flood risk assessment for any proposal, which may give, rise to a flood risk to the application site or adjacent land. This is good. The authority could consider		Noted and to be agreed

Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	supporting this policy within the SPG by revising the final paragraph in the policy to “All development proposals where the site lies below the 5 meter contour (5 meter above MHWS), <i>or in other areas where a risk of flooding has been identified</i> , require to be accompanied by a site specific flood risk assessment.” The suggested wording put forward by us in section 7.2.2 or 7.3.4 above would ensure that development is also protected from other types of flood risk, supporting the principles already outlined in the Local Plan policy.	Suggestion accepted	
		7.5 We note the proposal that all development be provided with a solum level of not less than the 5-meter contour level. Providing further advice on this aspect of flooding is useful. However, again rather than this being based on the 5-meter contour level we recommend that the level be determined as a result of the site-specific flood risk assessment. For your information we would usually recommend a freeboard level of between 500 and 600mm above the flood event.	Plus an additional 500 to 600mm freeboard level	Noted and to be amended
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	<b>8. Policy SPG 1 (Layout and Design):</b> We would support the recommendations made in the Environmental Report that this policy be amended to support sustainable waste management.	Check the Environmental Report about incorporating suitable waste management.	Check and amend
		<b>9. Policy SPG 2 (Energy Efficiency/Conservation):</b> We welcome a policy on energy efficiency. Please note that the wording “whenever possible” brings ambiguity to the policy and therefore it is recommended that this terminology is removed.	Point noted	Consider amendment
		<b>10. Policy SPG 6 (Domestic Aero Generators):</b> While it is acknowledged that the use of the word “aero generator” is brought forward from the Local Plan, for the ease of understanding and in the view of the terminology used in Scottish Planning Policy you may wish to consider using words such as “ <i>wind turbines</i> ” instead, or if not making it clear that what you are referring to are wind turbines.	Comment accepted	Revise terminology
		<b>11. Policy SPG 10 (Hybrid Systems):</b> We would support the recommendations made in the Environmental Report that this policy be amended to protect soil and water quality.	Support welcomed	Amend as per ER
Scottish Environmental Protection Agency	18 <sup>th</sup> of August 2009	12. Policy SPG 13 (Water Supply/ Waste Water Disposal and	Comment will be considered	Developers’ responsibilities are contained within documents and

(Dingwall)		<p>Surface Water)</p> <p>12.1 The Local Plan already contains good clear policies on waste water drainage and it is useful, as a reminder to have them reiterated here. However the new policy does not provide much additional guidance to the developer on what is required.</p> <p>12.2 We would welcome a supplement to the Local Plan policies, which makes it clear what would be expected for developers currently outwith sewerage areas.</p>		<p>legislation from SEPA, Building Standards and Development Management. Check whether alteration can make requirements clearer see 12.3</p>
Scottish Environmental Protection Agency (Dingwall)	18 <sup>th</sup> of August 2009	<p>12.3 This could be achieved by dividing up the forth bullet point into two separate issues. Firstly the policy could outline the council's preferred that new small developments (when out with a sewerage area) should have communal private foul drainage systems. New policy could then be provided on what would be expected for significant development out with sewerage areas. This should include that connection should be made out to an existing public sewer or that a new foul drainage facility should be built to adoptable standard and a commitment gained from Scottish Water that they are willing to adopt. For your information, in relation to determine what scale of development should be supported by strategic infrastructure then the Memorandum of Understanding between Scottish Water and SEPA outlines that we will promote the proposal that developments of greater than 25 houses in rural areas should have public sewerage systems and treatment works built to Scottish Water and taken over by Scottish Water.</p>	Comment is noted, suggested approach will be considered	Consider policy approach in light of suggestion from SEPA
		<p>12.4 Please note generally that rather than referring to "septic tanks" reference should be made to "foul drainage arrangements"- as appropriate facilities could include not only septic tanks, but also the different forms of treatment plants.</p>	Suggestion accepted	Search and replace the wording in the document.
Shetland Amenity Trust	18 <sup>th</sup> of August 2009	<p>Agreed with the clear statement about Shetland's heritage in Policy LDP 5 Historic Built Environment but wishes to add in a paragraph as occurs within the Interim Planning Policy: Minerals, clarifying the responsibilities of developers regarding the historic built environment and heritage</p>	Policy SP BE2 relates particularly to archaeology, this policy does not form part of this consultation.	Incorporate suggestion in wider LDP policy review
S.I.C Transport Department	18 <sup>th</sup> of August 2009	<p>From a sustainable transport perspective, there should be a policy that includes a requirement for developments requiring masterplans to include provision for implementations to encourage sustainable and active travel, e.g. bike stands</p>	Policies concerning sustainable transport initiatives are already contained within the Shetland	None

			Islands Council Masterplan Development Handbook.	
Individual	18 <sup>th</sup> of August 2009	A change of emphasis sounds good but I believe that it is just words on paper and a box ticking exercise.	The comments from this respondent clearly represented their concerns and opinion regarding the council's policy and approach to agricultural land. However the comment does not provide any critical evaluation of the Interim Planning Policy: Sustainable Construction. Therefore in this case, while the Respondent's concerns will be noted, no specific changes to policy will be made.	None
Individual	18 <sup>th</sup> of August 2009	<p>The new policy is not precise or clear about what is to be protected.</p> <p>The new policy appears to be “wishy washy” and subjective with no intrinsic value.</p> <p>Believes that there is no way to protect arable parks in Shetland, to protect crofts assets from being stripped, to stop environmentally important spaces from being turned into housing schemes.</p> <p>These parks should be designated areas of food security status that stops any development that reduces the size or otherwise sterilises them from future food production.</p> <p>Increasing demands on the British Mainland's arable land we have may make crofting and farming more than just viable but perhaps even profitable, with the need for vast subsidies.</p> <p>The diverse environment also suffers as pernicious weeds take over, drains fill in and fences fail. (Demonstrated with examples on p12 of the responses)</p>		

## **POST-ADOPTION SEA STATEMENT**

### **MEASURES THAT ARE TO BE TAKEN TO MONITOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PPS**

Monitoring of the effects of implementing the Towards Sustainable Construction and Better Design in Shetland IPP will be undertaken by regimes currently in place for local authority infrastructure and maintenance and through the routine monitoring by the environmental authorities. Monitoring will therefore rely on the continued day-to-day management and site knowledge of those managing land for which they have responsibility, and the ongoing activities of the environmental regulators.

### **CONCLUSION**

The Towards Sustainable Construction and Better Design policies assessed in this Strategic Environmental Assessment exercise form part of the wider Review of the Shetland Development Plan and the emerging Shetland Local Development Plan, which is programmed for adoption before the end of December 2012.

### **APPENDIX TO THE POST ADOPTION STATEMENT**

The Adopted Towards Sustainable Construction and Better Design in Shetland Interim Planning Policy document showing changes made in response to comments made on the draft document and the SEA Environmental Report are contained in the Appendix to this statement.